

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

JERRY SPENCER)	Case Number
)	
Plaintiff,)	
)	
vs.)	CIVIL COMPLAINT
)	
NCO FINANCIAL SYSTEMS, INC.)	
)	JURY TRIAL DEMANDED
Defendant.)	
)	

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, JERRY SPENCER, by and through their undersigned counsel, Warren & Vullings, LLP, complaining of Defendant, and respectfully aver as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff is an individual consumer and brings this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15. U.S.C. § 1692k(d) and 28 U.S.C. §1337.

3. Venue in this District is proper in that the Defendant’s principal place of business is here and the Defendant transacts business here.

III. PARTIES

4. Plaintiff, Jerry Spencer (“Plaintiff”), is an adult individual and citizen of the State of Tennessee, residing at 3731 General Ct., Murfreesboro, TN 37129-1205..

5. Defendant, NCO Financial Systems, Inc. (“NCO” or “Defendant”) had, at all times relevant to this complaint, its principal place of business located at 507 Prudential Road, Horsham, PA 19044.

6. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another, in this instance the alleged account was with Bank of America MBNA Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

7. Beginning in March 2008, Plaintiff started receiving a series of harassing calls from defendant and/or Defendant’s agents. The harassing calls are relative to a consumer debt allegedly incurred by Jerry Spencer with Bank of America MBNA.

8. Plaintiff received numerous automated calls to a phone which is listed in the name of his spouse. Defendant’s representative have called the Plaintiff’s elderly mother, Doris Spencer, on numerous occasions, and stated to her, a third party, that the Plaintiff owed a debt.. The phone number the agents called from was 888-899-5883 The phone numbers the agents called to were 615-893-3080, a telephone listed in Defendant’s spouse’s name as well as 931-535-4066, his elderly mother’s telephone..

9. Plaintiff’s mother informed Defendant’s representatives on several occasions that the Plaintiff does not live at her residence, however, they continue to call

and leave automated messages on Plaintiff's mother's phone number, 931-535-4066 despite her request that they cease contact with her.

10. The harassing, intimidating, deceptive and bullying behavior of the Defendant are violations of the FDCPA.

COUNT I

FDCPA VIOLATION 15 U.S.C. § 1692 et seq.

12. The above paragraphs are hereby incorporated herein by reference.

13. Defendant violated the FDCPA. Defendant's foregoing acts and omissions constitute violations of the FDCPA, including, but not limited to, violations of §§ 1692, b(2), b(3), c(a)(1), c(b), d, d(5), e, and f.

14. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiffs for a declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, attorney's fees and costs and other appropriate relief.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment in its favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant's conduct violated the FDCPA;
 - b. Actual damages;
 - c. Statutory damages pursuant to 15 U.S.C. §1692k;
 - d. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;
- and
- e. Such additional and further relief as may be appropriate or that the

interests of justice require.

V. JURY DEMAND

Plaintiffs hereby demand a jury trial as to all issues herein.

Respectfully submitted,

WARREN & VULLINGS, LLP

Date: 09/11/2008

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